

Timothy W. Miller, Bar No. 5-2704  
Senior Assistant Attorney General  
Prentice B. Olive, Bar No. 8-6691  
Assistant Attorney General  
Wyoming Attorney General's Office  
109 State Capitol  
Cheyenne, Wyoming 82002  
(307) 777-5820  
(307) 777-8920 Facsimile  
[tim.miller@wyo.gov](mailto:tim.miller@wyo.gov)  
[prentice.olive@wyo.gov](mailto:prentice.olive@wyo.gov)

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

BLENDI CUMANI, M.D., and )  
ROLAND SHEHU, )  
Plaintiff, )  
v. ) Case No.: 23-CV-55-ABJ  
CHRIS QUEEN, )  
Defendant. )

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**ANSWER**

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Defendant Chris Queen, in his individual capacity, hereby answers the Amended Complaint for Money Damages and states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations of paragraph 1 and, therefore, denies those allegations.
- 2-5. Defendant admits the allegations of paragraphs 2 through 5.
6. Defendant denies the allegations of paragraph 6.

**FACTS COMMON TO ALL CAUSE OF ACTION**

7. Defendant admits the allegations of paragraph 7.
8. Defendant admits that plaintiffs had certain permits, but otherwise denies the allegations of paragraph 8.
9. Defendant admits that he began an investigation into the killing and waste of elk in violation of Wyoming law. Defendant denies the remaining allegations of paragraph 9.
- 10-12. Defendant denies the allegations of paragraphs 10 through 12.
13. Defendant admits that he submitted an Affidavit of Probable Cause to the office of the Park County Prosecuting Attorney, which speaks for itself. Defendant denies the remaining allegations of paragraph 13.
14. Defendant denies the allegations of paragraph 14.
15. Defendant admits the allegations of paragraph 15.
16. Defendant denies the allegations of paragraph 16.
- 17-18. Defendant admits the allegations of paragraphs 17 and 18.
19. Defendant admits that plaintiffs were acquitted. Defendant otherwise denies the allegations of paragraph 19.
- 20-25. Defendant denies the allegations of paragraphs 20 through 25.

**FIRST CLAIM FOR RELIEF:**

**WRONGFUL ARREST AND PROSECUTION UNDER 42 U.S.C. § 1983**

26. Defendant repeats and incorporates by this reference the responses set forth above.
27. Defendant admits the allegations of paragraph 27.
28. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations of paragraph 28 and, therefore, denies those allegations.

29. Paragraph 29 states a conclusion of law to which no response is required. To the extent any factual allegations are made against defendant therein, it is denied.

30-36. Defendant denies the allegations of paragraphs 30 through 36.

**FIRST AFFIRMATIVE DEFENSE**

The amended complaint does not state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' claims herein are barred by qualified immunity.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by collateral estoppel.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by a failure to mitigate damages, the existence of which is denied.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs' alleged damages, the existence of which is denied, stem from the actions of third parties whom defendant did not control or events in which defendant was not involved.

DATED this 11<sup>th</sup> day of April, 2023.

*/s/Timothy W. Miller*

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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 11th day of April, 2023, a true and correct copy of the foregoing **Answer** was served as indicated below:

Bradley L. Booke, Bar No. 5-1676 [✓] ECF  
LAW OFFICE OF BRADLEY L. BOOKE  
P.O. Box 13160  
Jackson, Wyoming 83002

*/s/Timothy W. Miller* \_\_\_\_\_

Timothy W. Miller  
Senior Assistant Attorney General